

MAR 11 2008

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

MOLLY DWYER, ACTING CLERK  
U.S. COURT OF APPEALS

FOR THE NINTH CIRCUIT

CELIA ROJAS-LUENGAS; et al.,

Petitioners,

v.

MICHAEL B. MUKASEY, Attorney  
General,

Respondent.

No. 05-74814

Agency Nos. A75-712-843

A75-712-844

A75-712-845

MEMORANDUM \*

On Petition for Review of an Order of the  
Board of Immigration Appeals

Submitted February 26, 2008 \*\*

Before: BEEZER, FERNANDEZ, and McKEOWN, Circuit Judges.

Celia Rojas-Luengas, and her children, Adan Ulises Luengas-Rojas and  
Selene Anaid Luengas-Rojas, natives and citizens of Mexico, petition for review of  
the Board of Immigration Appeals' ("BIA") order denying their motion to reopen.

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\* This disposition is not appropriate for publication and is not precedent  
except as provided by 9th Cir. R. 36-3.

\*\* The panel unanimously finds this case suitable for decision without  
oral argument. *See* Fed. R. App. P. 34(a)(2).

We have jurisdiction under 8 U.S.C. § 1252. We review the denial of a motion to reopen for abuse of discretion, *Iturribarria v. INS*, 321 F.3d 889, 894 (9th Cir. 2003). We deny the petition for review.

The BIA acted within its discretion in denying petitioners' motion to reopen as untimely because it was filed more than 90 days after the BIA's final removal order, 8 C.F.R. § 1003.2(c)(2), and petitioners failed to establish grounds for equitable tolling, *Singh v. Gonzales*, 491 F.3d 1090, 1096-97 (9th Cir. 2007) (limitations period is tolled until a petitioner "definitively learns" of counsel's defectiveness).

**PETITION FOR REVIEW DENIED.**